

Counsel Listed on Signature Page

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

**IN RE STATIC RANDOM ACCESS  
MEMORY (SRAM) ANTITRUST  
LITIGATION**

**Master File No. 4:07-md-01819-CW**

**MDL No. 1819**

**This Document Relates to:**

**ALL DIRECT PURCHASER  
ACTIONS**

**ORDER AWARDING CLASS  
COUNSEL ATTORNEYS' FEES,  
REIMBURSEMENT OF EXPENSES AND  
INCENTIVE AWARD**

1 The Court, having considered Direct Purchaser Plaintiffs Motion for Award of Attorney's  
 2 Fees, Reimbursement for Expenses, and Incentive Award (Dkt. No. 1334) (the "Motion") and  
 3 the declarations in support thereof, in addition to the findings stated on the record at such  
 4 hearing, hereby finds that:

5 1. The Motion for Attorneys' Fees and Reimbursement of Expenses requests an  
 6 award of attorneys' fees of 30% of Settlement Fund, which is comprised of all of the Settling  
 7 Defendants' settlement payments (\$76,872,476.99), as well as the interest earned thereon.  
 8 Further, Plaintiff's counsel ("Class Counsel") request reimbursement of out-of-pocket litigation  
 9 costs and expenses, as well anticipated expenses related to administration of the Settlement  
 10 Fund, and an incentive award to the sole Class representative.

11 2. The Court finds that the amount of fees requested is fair and reasonable under the  
 12 "percentage-of-recovery" method, including as confirmed by a lodestar "cross-check."

13 3. The attorneys' fees requested were entirely contingent upon success. Class  
 14 Counsel risked time and effort and advanced costs and expenses with no ultimate guarantee of  
 15 compensation. The award of 30% is warranted for reasons including: the result obtained for the  
 16 class – payment by Defendants of more than \$75 million; the quality and quantity of work  
 17 performed by Class Counsel over more than four years of litigation – such as substantial motion  
 18 practice on complex issues; the risks faced at the outset and throughout the litigation – such as  
 19 proceeding after the Department of Justice closed its criminal investigation without seeking any  
 20 indictments; and, the lodestar "cross-check" – which reveals a 1.01 multiplier for Class  
 21 Counsel's more than 66,000 hours working on the case.

22 4. Further, the expenses sought were or will be incurred in connection with the  
 23 prosecution of the litigation or the anticipated administration of the Settlement Fund for the  
 24 benefit of the Class (and that, before Settlement funds are distributed to Class members, Class  
 25 Counsel will provide this Court with an accounting of the anticipated expenses that were actually  
 26 incurred).

1           5.       Since the filing of Direct Purchaser Plaintiffs Motion for Award of Attorney's  
2 Fees, Reimbursement for Expenses, and Incentive Award (Dkt. No. 1334), Direct Purchaser  
3 Plaintiffs received an invoice from Resonant Legal Media in connection with the prosecution of  
4 this litigation in preparation for trial in the amount of \$38,205.66.

5           6.       Additionally, the sole Class representative is entitled to the requested incentive  
6 award because of its work performed for the benefit of the Class and the risks undertaken.

7           7.       In excess of 5,000 notices outlining Class Counsels' requests were provided  
8 to Class Members. No objections were received.

9           8.       Upon consideration of the Motion and accompanying Declarations and based  
10 upon all matters of record including the pleadings and papers filed in this action, the Court  
11 hereby finds that the fee requested is reasonable and proper, that the costs and expenses incurred  
12 by Class Counsel were necessary, reasonable and proper, and that the incentive award is  
13 warranted.

14           **Accordingly, it is hereby ORDERED and DECREED that:**

15           A.       Class Counsel are awarded attorneys' fees of thirty percent (30%) of the  
16 Settlement Fund (\$76,872,476.99), including interest earned on the Settlement Fund up to the  
17 date of disbursement to Class Counsel.

18           B.       Class Counsel are awarded reimbursement of their litigation costs and expenses in  
19 the amount of \$570,174.61, and are authorized to pay from the Settlement Fund expenses related  
20 to administration of the Settlement Fund (that are actually incurred), but which will, except upon  
21 application to the Court, not exceed a total amount of \$735,000.00.

22           C.       The attorneys' fees awarded, reimbursement of litigation costs and expenses, and  
23 the incentive award, shall be paid from the Settlement Fund and the interest earned thereon.

24           D.       The fees and expenses shall be allocated among Class Counsel by Lead Counsel  
25 (Cotchett, Pitre & McCarthy, LLP), in a manner which, in Lead Counsel's good-faith judgment,  
26 reflects each firm's contribution to the institution, prosecution and resolution of the litigation.

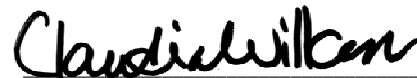
1 E. Direct Purchaser Plaintiffs will pay the invoice from Resonant Legal Media in  
2 connection with the prosecution of this litigation in preparation for trial in the amount of  
3 \$38,205.66 from the Settlement Fund.

4 F. The sole Class representative, Westell, is awarded \$50,000.00.

5 G. This order shall be entered as of this date pursuant to Rule 54(b) of the Federal  
6 Rules of Civil Procedure, the Court finding that there is no just reason for delay.

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11 **IT IS SO ORDERED.**

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15 Date: June 30, 2011



THE HONORABLE CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

16  
17 *Submitted by:*

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